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6 Attorney for Debtor-in-Possession  
PREMIER GOLF PROPERTIES LP  
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8 **UNITED STATES BANKRUPTCY COURT**  
9 **Southern District of California**

10 In Re:  
11 PREMIER GOLF PROPERTIES LP.

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13 Debtor-in-Possession,  
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**Bankruptcy No. 15-01068-LT11**

Chapter 11 Proceeding

**DECLARATION OF JACK F.  
FITZMAURICE, ESQ., IN SUPPORT  
OF FIRST INTERIM APPLICATION,  
OF FITZMAURICE & DEMERGIAN  
FOR ALLOWANCE OF FEES AND  
REIMBURSEMENT OF EXPENSES.**

Date: April 15, 2015  
Time: 10:00 am  
Dept.: 5  
Room: 318  
Judge: Christopher B. Latham

19 I Jack F. Fitzmaurice, Esq., declares as follows:

- 20 1. I am an attorney duly licensed to practice law in the State of  
21 California and the United States Bankruptcy Court for the  
22 Southern District of California. I am partner of Fitzmaurice &  
23 Demergian, AKA Fitzmaurice & Associates (hereinafter  
24 "Fitzmaurice") General Bankruptcy Counsel to Debtor-in-  
25 Possession Premier Golf Properties LP, (hereinafter "Debtor")  
26 in this Chapter 11.
- 27 2. This declaration is made in support of Fitzmaurice &  
28 Demergian's First Interim Application for Compensation

1 (hereinafter "Application") for professional services rendered  
2 and reimbursement of expenses incurred in connection with its  
3 representation of Debtor in this case.

4 3. The matters set forth herein are of my own personal knowledge  
5 and, if called upon to do so, I could and would competently  
6 testify as to the truth of these matters, except those matters  
7 set forth on information and belief, as to which I am informed  
8 and believe are true.

9 4. This proceeding was initiated on February 25, 2015, by way of  
10 the filing of a petition under the auspices of Chapter 11 of  
11 the United States Bankruptcy Code, 11 U.S.C. Sec. 101 et seq.  
12 Debtor elected in its Voluntary Petition.

13 5. On March 19, 2015, this Court granted an order authorizing the  
14 Employment of Fitzmaurice under §327 of Title 11 of the U.S.  
15 Bankruptcy Code, as Debtor's General Bankruptcy Counsel to  
16 render his professional services. A copy of the Order is  
17 attached as Exhibit "D" to the Fee Application.

18 6. By this Application Fitzmaurice seeks allowance and payment of  
19 \$15,875.00 in attorney's fees and \$1,401.06 in expenses  
20 incurred during the period of February 25, 2015 [Date of  
21 Filing] through March 18, 2015, for a total award of  
22 \$17,276.06. A summary sheet of the combined total of fees and  
23 expenses requested and the total blended hourly rate is  
24 attached as Exhibit "B" to the Fee Application.

25 7. I am the partner of Fitzmaurice and have been employed by  
26 Fitzmaurice since 1994. I am a lawyer, arbitrator, and  
27 mediator with an emphasis upon commercial and business  
28 litigation and transaction events, contract disputes, creditor

rights and remedies, business reorganization and United States-Latin America dispute resolution. I graduated from the University of Notre Dame in 1974 and was admitted to the California bar in that same year. My billing rate is \$395.00, a customary compensation charged by comparably skilled practitioners in cases other than cases under title 11.

8. Luis F. Almaraz, LL.M. is my Legal Assistant. He has been employed by Fitzmaurice since 2003 upon completion of his master's degree at California Western School of Law, in San Diego, California. Mr. Almaraz graduated from the Autonomous University of Baja California, School of Law, in Mexico, in the year 2000 and was admitted to practice law in Mexico only in the same year. Mr. Almaraz is not admitted to practice law in California. Mr. Almaraz is certified by The State Bar of California as a Registered Foreign Legal Consultant. Mr. Almaraz has assisted Mr. Fitzmaurice in other bankruptcy proceedings in the Southern District of California. Mr. Almaraz's hourly billing rate is \$225.00, which is a customary compensation charged by comparably skilled professionals.

9. This application is my firm's First Interim Application for award of attorney's fees and reimbursement of costs incurred in this proceeding. I hold in trust, the sum of \$4,219.02 as a retainer for post-petition services. Accordingly, and pursuant to the order dated March 18, 2015, I have not drawn down any amount until approved by this Court. Further, on February 19, 2015 I received from Debtor the sum of \$10,000.00 and was deposited in the Fitzmaurice's trust account, creating a credit balance against which fees and costs shall be charged.

1 I am informed and believe that any monies paid will come from  
2 Debtor's operation of business and any unpaid authorized  
3 balance Debtor will make monthly payments until paid in full  
4 as authorized by this Court.

5 10. No understanding exists for sharing compensation received  
6 or to be received by my firm for services rendered in this  
7 case. Other than amounts awarded by this Court, Fitzmaurice  
8 has not received or has been promised any other payments for  
9 the services rendered or to be rendered in any capacity  
10 whatsoever in connection with the case.

11 11. I am informed and believe that as of the date of this  
12 Application, Debtor's has sufficient cash on hand to meet  
13 Debtor's administrative expenses and no accrued unpaid  
14 administrative expenses exists.

15 12. The first quarterly fees to the United States Trustee is  
16 not yet due. The monthly operating reports shall be filed  
17 shortly pursuant to the U.S. Trustee's operating and reporting  
18 requirements for Chapter 11 debtors.

19 13. Copies of Fitzmaurice's billing statements for the period  
20 covered by this Application are attached as Exhibit "C" to the  
21 Fee Application. The billing statement sets forth in detail  
22 the time spent and the specific professional services rendered  
23 by Fitzmaurice.

24 14. The Application also contains a detailed narrative  
25 including a summary and breakdown of fees and expenses charged  
26 by category. I reviewed the narrative set forth in the  
27 Application. I also reviewed the charts contained in the  
28 Application which sets forth the amount of time spent and the

1 fees and expenses charged by Fitzmaurice with respect to each  
2 particular matter in which Fitzmaurice provided services. To  
3 the best of my knowledge, the information contained in the  
4 narrative history and the fee and expenses charts are true and  
5 accurate.

6 I declare under penalty of perjury under the laws of the  
7 United States of America that the foregoing is true and correct.  
8 Executed this day of March 20, 2015, at Chula Vista, California.

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10 */s/ Jack F. Fitzmaurice*  
11 **Jack F. Fitzmaurice, Esq.**  
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